

1 Charles P. Maher, State Bar No. 124748
2 Nhung Le, State Bar No. 209552
3 LUCE, FORWARD, HAMILTON & SCRIPPS LLP
4 Rincon Center II, 121 Spear Street, Suite 200
5 San Francisco, California 94105-1582
6 Telephone No.: 415.356.4600
7 Fax No.: 415.356.4610

8
9 Counsel for Plaintiff Andrea A. Wirum,
10 Trustee in Bankruptcy

11 UNITED STATES BANKRUPTCY COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 In re

15 CALIFORNIA PLAN, INC.,
16 Debtor.

Case No. 06-50442 MM
Chapter 7

17 ANDREA A. WIRUM, Trustee,
18 Plaintiff.

Adversary Proceeding
No. 07-5060

19 v.

20 THOMAS W. CHALLAM,
21 Defendant.

**DECLARATION OF NHUNG LE
REGARDING REQUEST FOR WRIT OF
EXECUTION AND PAYMENT ON THE
JUDGMENT**

22 I, Nhung Le, declare as follows:

23 1. I am an attorney with the law firm of Luce, Forward, Hamilton & Scripps LLP,
24 counsel to Andrea A. Wirum, Plaintiff in the above adversary proceeding and Chapter 7 Trustee of
25 the estate of the above Debtor.

26 2. On October 12, 2007, the United States Bankruptcy Court for the Northern District
27 of California, San Jose Division, entered a stipulated judgment against Thomas W. Challam in the
28 above referenced adversary proceeding in the principal amount of \$75,000. Attached as **Exhibit**
A is a true and correct copy of the Judgment.

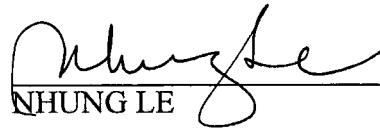
FILED

JAN 11 2010

CLERK *PS*
United States Bankruptcy Court
San Jose, California

1 3. As of the date of this declaration, Plaintiff has not received any payments from
2 Defendant on account of the judgment.

3 I declare under penalty of perjury that the above statements are true and that if called as a
4 witness I could and would testify to their truthfulness. This declaration is executed on the 8th day
5 of January 2010 in San Francisco, California.


6
7 
8 NHUNG LE

9
10
11
12
13 301161135.1
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



Michael A. Isaacs, CSBN 99782
Charles P. Maher, CSBN 124748
LUCE, FORWARD, HAMILTON
& SCRIPPS LLP
121 Spear Street, Suite 200
San Francisco, California 94105
Telephone No.: 415.356.4600
Fax No.: 415.356.4610

The following constitutes
the order of the court. Signed October 12, 2007


Marilyn Morgan
U.S. Bankruptcy Judge

Counsel for Andrea A. Wirum
Trustee in Bankruptcy

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re
CALIFORNIA PLAN, INC.,

Debtor.

Case No. 06-50442-MM
Chapter 7

ANDREA A. WIRUM, Trustee,

Plaintiff.

Adversary Proceeding
No. 07-5060

vs.

THOMAS W. CHALLMAN,

Defendant.

JUDGMENT ON STIPULATION

Based on the stipulation of Plaintiff and Defendant to entry of judgment on Plaintiff's third and fourth claims for relief, it appearing that Plaintiff has obtained an order authorizing her to enter into the stipulation, and it further appearing that good cause exists,

JUDGMENT IS ENTERED as follows:

1. Transfers totaling \$75,000 made to or for the benefit of Thomas W. Challman within 90 days of the commencement of the above bankruptcy case by the filing of an involuntary petition are avoided under 11 U.S.C. § 547(b) and preserved for the benefit of the estate under 11

EXHIBIT A

1 U.S.C. § 551, pursuant to Plaintiff's third claim for relief.

2 2. Plaintiff shall have a money judgment in the amount of \$75,000 on her third claim
3 for relief under 11 U.S.C. § 550.

4 3. Pursuant to Plaintiff's fourth claim for relief, any claim in favor of Thomas W.
5 Challman is disallowed under 11 U.S.C. § 502(d) and not entitled to a distribution until he has
6 satisfied in full Plaintiff's money judgment against him under her third claim for relief.

7 4. Plaintiff shall take nothing by her first and second claims for relief and those are
8 dismissed.

9
10 ** END OF JUDGMENT **
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

COURT SERVICE LIST

Charles P. Maher, State Bar No. 124748
LUCE, FORWARD, HAMILTON & SCRIPPS LLP
Rincon Center II, 121 Spear Street, Suite 200
San Francisco, California 94105-1582

Christopher J. Cole, Esq.
601 Montgomery Street, Suite 712
San Francisco, CA 94111

301015880.1

EXHIBIT A

3